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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 SALESFORCE.COM, INC., a Delaware
14 corporation,

15 Plaintiff,

16 vs.

17 THE COMPUTER MERCHANT, LTD., a
18 Massachusetts corporation,

19 Defendant.

20 THE COMPUTER MERCHANT, LTD., a
21 Massachusetts corporation,

22 Counter-Claimant,

23 vs.

24 SALESFORCE.COM, INC., a Delaware
25 corporation; ASTADIA CONSULTING,
26 LLC, a limited liability company, state of
organization unknown, and DOES 1
THROUGH 10,

Counter-Defendants

Case No. 07-CV-03556-WHA

DECLARATION RE ELECTRONIC
CASE FILING – TECHNICAL FAILURE

[General Order No. 45, VI.E]

1 I, Christopher D. Sullivan, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am
3 a partner in the firm of McGrane Greenfield LLP, attorneys for Counter-defendant
4 and Counterclaimant Astadia Consulting LLC (“Astadia”) herein. The following
5 facts are within my personal knowledge and if called upon and sworn as a witness I
6 could testify competently thereto.

7 2. On Monday, September 24, 2007, I directed Ryan Palmer, a case clerk
8 in our law firm, to file and serve an answer and related documents on behalf of
9 Astadia, to the counterclaim of The Computer Merchant, Ltd. (“TCM”), through
10 this Court’s Electronic Court Filing (“ECF”) website. Mr. Palmer tried to file the
11 answer numerous times on September 24, 2007, but the web site was unable to
12 accept filings due to what I understand to be a technical failure and what was
13 subsequently identified on the Northern District of California’s web site as a
14 technical failure in a public announcement. Therefore, the answer of Astadia,
15 which was due to be filed on September 24, 2007 by virtue of a stipulation filed
16 with the Court, and related documents were not required to be filed until the next
17 business day, Tuesday, September 25, 2007.

18 I declare under penalty of perjury under the laws of the State of California
19 that the foregoing is true and correct and that this declaration was executed on
20 September 25, 2007, in San Francisco, California.

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22 /s/ Christopher D. Sullivan
23 Christopher D. Sullivan

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